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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 27 April 2000, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.00-41660 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Georgia (E/1990/5/Add.37); (Core document (HRI/CORE/1/Add.90); country profile (E/C.12/A/GEO/1); list of issues to be discussed (E/C.12/Q/GEO/1); written replies from the Georgian Government (HR/CESCR/NONE/1999/15)) (continued)

1. At the invitation of the Chairperson, the members of the Georgian delegation resumed their seats at the Committee table.

2. Ms. BERIDZE (Georgia) explained that contraceptives were still not widely used in Georgia, since the population was poorly informed with regard to the matter. Since 1997, when the necessary contraceptives had been made available in Georgia, the Ministry of Health had been carrying out an information campaign, through television in particular. Furthermore, the programme promoting healthy living, which had been implemented for the last two years, enshrined the principle of access to contraception for the whole population.

3. Begging, which was in fact a part of organized crime, and the phenomenon of street children existed only in large cities and their incidence was decreasing markedly. Two years previously the Ministry of Education had created a pilot boarding school project for 60 street children who had been taken under the wing of educators, doctors and psychologists. After two years of rehabilitation those children, who had been involved in alcoholism, drug addiction and prostitution, now led a perfectly normal life. However, the State could not look after the many street children who had parents. A presidential decree had set up a commission for the protection of minors, which cooperated with the Ministry of the Interior and the Ministry of Health and Social Security. Significant efforts had therefore been made, but much remained to be done.

4. The Civil Code stipulated that the family was the result of a legitimate union, freely consented to by a man and a woman, both of whom were required to bring up their children and to provide for the household's needs. The term "household" designated a unit which could include one person, parents and their children or three generations. Preference had recently been given to using that term to describe the nuclear unit. The word "family", whose meaning varied according to the law under consideration, covered different realities. It would be desirable, without excluding some of the variants, to define it more precisely, but it was up to Parliament to do so. In Georgia cohabiting was a new phenomenon, mostly to be observed in big cities and well accepted by society. As far as children born out of wedlock were concerned, they had the same rights as others and in particular could inherit from their parents. Maternity leave was set at 70 days before birth and 56 days afterwards. Furthermore, women with children under 3 years of age could obtain a further non-remunerated absence from work. Pregnant

women, women with children under the age of 3 and single mothers bringing up a child under 10 years old or a handicapped child of under 16 years old could not be dismissed from their employment. Sex education classes were given in schools and did not meet with hostility on the part of the Orthodox Church, although mindsets were changing slowly. In 1997 the minimum age for marriage had been raised from 16 to 18 years. The decrease in marriages was due to difficulties caused by the civil war, but, since the situation had stabilized, a rise in the number of marriages had been reported. The number of divorces had decreased, doubtless because adversity was a factor of cohesion and the marriages were the result of more mature reflection, promoted also by the Civil Code, since it had instituted the marriage contract. There was only one kind of marriage in Georgia, given that Muslim traditions, in particular polygamy, had practically disappeared during the Soviet era.

5. The new Criminal Code, to come into force in 2000, had increased penalties for rape. Sexual harassment was probably not very common in Georgia, but women who had been subjected to it tended not to complain. Recently a campaign had been launched to combat domestic violence, violence at work and traffic in women. Measures taken included the creation of a hotline for women who were victims of violence and the broadcasting of television programmes on that issue.

6. Mr. JIBUTI (Georgia) said that the number of families spanning three generations, which afforded protection for the elderly, was in decline because of economic difficulties. Young people did not have the means to provide for the needs of the elderly, and at the same time the population was ageing. The new social policy being formulated was therefore focused on the family. Allowances were provided, particularly for families where one or more of the members was not able to work and for orphans, in accordance with very strict criteria. Between 100,000 and 120,000 families benefited from such allowances. According to studies carried out over the past two years, poverty was an undeniable reality in Georgia, but very few people lived in absolute poverty. The fight against poverty, a fairly widespread phenomenon in former Communist countries, was a high priority for the authorities. Georgia needed guidelines from the Committee in that area and, particularly, international aid since poverty was increasing. There were very disturbing problems relating to housing, health, education and food. However, it was necessary to distinguish between different types of poverty, in order to ensure optimum allocation of available resources. To that end, benchmarks were related mainly to minimum subsistence level, average consumption and average monthly wage. Famine did not exist in Georgia, but the diet was not a balanced one and daily calorie intake was often too low. The nutritional situation was only known, in fact, via indicators such as the incidence of tuberculosis and digestive disorders. In that regard, thanks to the assistance offered by international organizations, those illnesses had been decreasing since 1996.

7. Mr. HUNT asked whether the Georgian Government intended to bring down the poverty threshold to 52 lari, as suggested.

8. Mrs. JIMÉNEZ BUTRAGUEÑO noted that, within the extended family, grandparents, far from being a burden, were able to make an extremely valuable contribution. It was appropriate to assign an important role to the elderly, particularly as the population of Georgia was ageing.

9. Mr. PILLAY asked whether there was a housing shortage in Georgia. If that was the case, he would like to know what measures the Government intended to take to remedy the situation.

10. Mr. JIBUTI (Georgia) said that the Georgian authorities were studying the issue of poverty with the assistance of the World Bank and did not intend to modify current criteria. However, it was necessary to define different levels of poverty. There was no legislation on poverty and, if the Government were to table a bill on the issue, it would take into account the opinions of the World Bank and of international experts.

11. As far as the elderly were concerned, measures taken in favour of the family made it possible to maintain links, which in Georgia had traditionally been strong, between generations. It was undeniable that the economic crisis had weakened the family, but the authorities fully recognized its importance and were making efforts to strengthen it.

12. Mr. SADI asked for further information regarding measures recommended by the World Bank in the context of its cooperation programme with the Georgian Government to combat poverty.

13. Mr. JIBUTI (Georgia) said that aid received from the World Bank related mostly to the reform of the pension scheme. Studies carried out with the assistance of international experts showed that the retired population was the group which, more than any other, was likely to fall below the poverty threshold. That said, the fight against poverty was not confined to the interventions of the World Bank alone. The Georgian Government also collaborated with the ILO, particularly in regard to labour relations, as well as with development agencies such as the United States Agency for International Development and the Japanese Agency for International Development. As far as housing was concerned, he stated that, following the collapse of the former Soviet Union, most State housing had been given freely to the occupants, who had thus become the owners.

14. The CHAIRPERSON invited members of the Committee to put questions or to make comments on the responses given by the State party to items 39 to 50.

15. Mr. GRISSA noted that the State party's report made no mention of problems arising from the deterioration of infrastructure, in particular of nuclear power stations and pipelines. He wondered what was the real incidence of pollution on the environment in Georgia and asked whether Georgia had a nuclear power station and, if so, what measures had been taken by the Government, given fears of another nuclear accident in the region, such as had occurred in Chernobyl. Lastly, given that Georgia was becoming an increasingly popular tourist destination, he wondered whether any cases of AIDS had been recorded in the country.

16. Mr. WIMER ZAMBRANO noted that spending on education had gone down from 120 million lari in 1997 to 52 million in 2000. Clearly that did not bode well for the achievement of the Georgian Government's objectives in combating poverty, and he asked why there had been such a significant decrease.

17. Mr. CEAUSU said he was perplexed by the very significant variations in the number of hospitals, which had gone up from 264 in 1996 to 287 in 1997, before declining to 272 in 1998. It was difficult to imagine that a country such as Georgia could either construct about 20 hospitals or close 15 of them from one year to the next. There were just as significant fluctuations in the numbers of other kinds of health institutions and of doctors and of middle-level medical staff. Such a situation could not fail to have an effect on the quality of care.

18. He noted with interest that the State had carried out the privatization of more than 500 health centres but wondered whether Georgians whose incomes were below the minimum subsistence level were able to meet the new costs for health care. A study carried out at UNDP's request had exposed serious problems in the financing of the health system. Payments made by beneficiaries of care did not always end up in the coffers of health establishments, which were thus deprived of desperately needed resources. The reform of the health system was a praiseworthy project, but until the State could reform and strengthen the institutions responsible for collecting taxes and for managing public funds no concrete result was to be hoped for in terms of improving the social situation and quality of life of the population.

19. Mr. ATANGANA, noting that infant mortality had risen from 7.1 per 1,000 in 1995 to 13.8 per 1,000 in 1996 and to 17.9 per 1,000 in 1997, wondered why the efforts made by the Georgian Government had not reversed that regrettable trend. He would, furthermore, like to know whether the high number of school drop-outs was related to the inability of parents to pay tuition fees for their children or to other problems such as child pregnancies.

20. Mr. CEVILLE said that, according to a UNDP study, the reform of the health system, accompanied by a privatization programme, had had severe consequences for Georgians, in particular for the poorest. He asked what measures the Government had taken, in accordance with the requirements of the Covenant, to bring quality health care within reach of the whole population.

21. Mr. THAPALIA requested details on the average life expectancy of the Georgian population. He also inquired how many people might be suffering from AIDS and what measures the Government had taken to deal with the problem.

22. Mr. HUNT said that according to the UNDP report on human development, secondary school curricula had been modified during the 1990s. Although the changes represented a significant improvement, it was still surprising to note that four hours were assigned to "military training" and only one to "fundamental concepts of justice". That seemed very imbalanced, particularly having regard to article 13 of the Covenant, which emphasized human rights.

23. Ms. BERIDZE (Georgia) noted that if expenses on education had gone down from 120 million to 52 million lari, it was because from now on teachers' salaries were, in each region, charged to the regional budget. Therefore, the figure of 52 million related only to appropriations from the central State budget. As for school drop-outs, they were not related to any inability of parents to cover their children's schooling fees. Under the Constitution, primary education was free, while only the last two years of secondary education were fee-paying and the

State paid 30 per cent of those costs. The Government spared no efforts in ensuring that all Georgian children had access to education. For instance, in mountainous regions, classes were open even where there were only two or three pupils. With the support of the World Bank, the Ministry of Education had been able to release a budget of $61 million to improve schools technically, for example, through computerization. Aware that the number of school drop-outs was high, the Georgian Government was determined to do everything in its power to ensure that very soon primary and secondary education would be no only compulsory but entirely free of charge.

24. She agreed with Mr. Hunt that the number of hours given over to military training and the number assigned to the study of legal questions was disproportionate. She assured the Committee that she would raise the matter with the Georgian authorities so that a reasonable solution might be found. That said, the Universal Declaration of Human Rights was taught in the 4th and 9th grades of city schools. Various measures had been taken to foster education in human rights, specifically the preparation of relevant textbooks.

25. Mr. JIBUTI (Georgia) added that with regard to the environment, his country had adopted a law on protection of the environment which meant that projects could not be carried out before environmental studies had been made. Under that law a number of national parks had been created. In general, the situation was improving in the areas which were of the most concern. Regional problems raised at the international level, such as the nuclear power station situated in Armenia and the hydroelectric power station being constructed on the frontier between Turkey and Georgia, had not been overlooked.

26. In the area of health care, Georgia had introduced reforms which sought to replace the system of direct funding of hospitals and clinics by an integrated approach: that was the explanation for the fluctuations from year to year in the statistical data. The decrease in expenditure on health personnel, for example, was explained by the fact that many health establishments had been privatized and therefore their salaries were no longer paid by the State. An insurance scheme, financed jointly by employers and salaried workers, had also been put in place. The objective was to make basic health care accessible to all and particularly to the 500,000 poorest. Georgia intended to carry on the reform of the health system by creating multi-purpose State institutions, which would make it possible to provide the level of basic health care which was indispensable to the population. To do so, it would need to privatize health care and to create a fund for health development. In order to continue to provide health care in villages, existing networks of mobile centres had been maintained. Given that expenditure on health was not entirely covered by the central budget, patients had to bear part of the costs, which explained the existence of a parallel sector. Since those expenses often caused families to become impoverished, Georgia was attempting to regulate medical practice by setting a cost scheme according to the disease or ailment.

27. As far as life expectancy was concerned it could only be estimated, since there were no censuses available: it was estimated by experts at 68 years for men and at 72 to 73 years for women. Although the rate of infant mortality had stabilized in 1999, it had risen significantly during previous years, because within vulnerable populations children were the first to be affected.

28. With regard to negative health effects caused by privatization, it was appropriate to note that, in terms of infectious illnesses, disease prevention programmes available to all, including the 500,000 poorest, had been introduced. It was undeniable that factors such as inadequate health care or an unbalanced diet had an effect on life expectancy in Georgia. As far as AIDS was concerned, Georgia had put in place and was financing a specialized State laboratory which kept a record of cases so as to have more detailed statistics enabling the scale of the problem to be better known and consequently allowing it to be fought more effectively.

29. Ms. BERIDZE (Georgia) added in that regard that an AIDS detection test was now compulsory in prisons. Five cases had been detected in 1998.

30. Mr. KOUZNETSOV wondered whether the modifications made to the system for financing education might not block development in that area and also whether it was possible to make local authorities actually fulfil their financing obligations.

31. Mr. WIMER ZAMBRANO highlighted the fact that the education budget for the year 2000 was 70 per cent less than that of 1997, which seemed to run counter to the Government's wish to develop that sector. He wondered what the explanation might be. Referring to article 15 of the Covenant, he inquired what proportion of the budget for culture was allotted to each of the large number of ethnic and cultural groups to be found in Georgia within the cultural programme put in place by the State.

32. Mr. GRISSA asked whether in Georgia, as in some countries of the former Soviet Union, well-off families sent their children to private school because of the decline in the quality of State education, how religious education was funded and whether funds were sent from abroad to support the teaching of a particular religion.

33. Mrs. JIMÉNEZ BUTRAGUEÑO said that in the area of health and education an appeal should be made for volunteers such as retired academics, teachers and doctors who could assist children, the poor and the elderly. That seemed all the more desirable since Georgia had indicated in its written responses (HR/CESCR/NONE/1999/15) that the NGOs present in Georgia focused most of their activity on civil and political rights, paying little attention to economic and social rights.

34. Mr. SADI expressed grave concern about the effects of the brain drain from Georgia. In his opinion the country would not be in a position to curb poverty, develop its economy or fulfil its obligations under the Covenant until it had solved that problem. He wondered whether Georgia had drawn up a programme of action to reverse that trend.

35. Mr. WIMER ZIMBRANO, referring to article 15 of the Covenant relating to cultural life, asked how the television sector, an important element of popular culture, was organized in Georgia.

36. Mr. PILLAY asked how teachers could be expected to go on teaching when they, like the rest of the intelligentsia, received a salary which was lower than the minimum subsistence wage. He was concerned at the literacy rate. Furthermore, he asked whether the Government had

introduced education and training programmes for all social and professional categories, particularly newly appointed judges, the police, the security forces and the prison authorities, in order to make them aware of the provisions of the Covenant.

37. Ms. BERIDZE (Georgia) explained that a Deputy Minister at the Ministry of Culture was dealing with the issue of minorities and could assist in financing the development of their culture. Furthermore a member of the President's staff was responsible for examining the situation of minorities and for making recommendations on the subject. Minorities financed their own cultural activities but also received financial aid from the State where possible.

38. As far as private education was concerned, she noted that higher education establishments were self-financing thanks to tuition fees. Many schools had been opened, but a number of others had closed down. Some provided an excellent education thanks to qualified teachers who often were intellectuals looking for ways to supplement their income. The question of religious instruction had not yet been resolved. It would be necessary to reach agreement with the different Churches, particularly the Orthodox Church.

39. Concerning television, she said that there was a channel partially financed by the authorities and a further seven or eight national and regional channels which were completely free to express their own opinions and did not hesitate to do so.

40. Mr. JIBUTI (Georgia), referring to education, said that in 1998-1999 there had been 24 State higher educational institutions and 154 private ones. In general, private institutions provided lessons in subjects that the State was not called upon to teach.

41. There were many volunteers in the health and education sectors, working not only in Georgia but also in international organizations abroad. Georgia itself benefited from humanitarian, financial and medical international aid which had allowed the country to survive during a difficult period.

42. With regard to the brain drain, it was a fact that many experts trained in Georgia left to work abroad. Despite the difficulties, the quality of education provided in higher educational institutions remained excellent. The Government was endeavouring to create jobs which were at the same high level as the skills of the more and more numerous graduates.

43. In response to the question on the precarious situation of teachers, he remarked that they were far from being the only people to be living below the poverty threshold. University lecturers sometimes had national or even international grants which supplemented their income. Often teachers in the public sector gave lessons in the private sector or lessons to individuals in order to find other means of support. It should not be forgotten that the informal sector allowed some people to make a living. As studies showed, the more educated the population, the better able it would be to leave poverty behind.

44. Mr. ANTANOVICH inquired about the reasons for the increase in the number of private higher education institutions. He wondered whether that was because the public institutions were not training enough specialists, or because teachers wanted to find another source of income. Did students who failed entrance examinations for public institutions go into the private

sector only because they could afford to pay for their studies? He asked what was the level of qualification of teachers in the private sector and what was the value of degrees conferred by private establishments. Were the authorities monitoring that sector? Regarding the scientific sector, he would like to have further information regarding the financing and the prospects of activities in nuclear research. What was Government policy for science?

45. Mr. MARCHAN ROMERO expressed concern at the decrease of cultural resources in the country. He asked what practical measures had been taken by the State since the submission of its initial report (E/1990/5/Add.37) to put an end to the exodus not only of graduates but also of performing artistes. He would also like to know if the law on culture adopted in 1997 was the same as the one which had been referred to in the State party's initial report. He asked for details as to how that law contributed to promoting respect for human rights.

46. Mr. WIMER ZAMBRANO asked whether the television channel subsidized by the authorities was a public channel.

47. Ms. BERIDZE (Georgia) said that in public universities teaching was of good quality, which was not always the case in private institutions, even if the teachers were required by law to have the necessary qualifications. Legally speaking, degrees had the same value, whether conferred by the public authorities or by the private sector; however, in practice, that might not be the case, depending on the field of study.

48. The television channel partially subsidized by the public authorities was not a public channel. It was required to broadcast certain programmes or announcements by the public authorities, but was entirely free and independent.

49. The law on culture had indeed been adopted in June 1997. It aimed at protecting human rights by making culture accessible to all and by enabling each person to benefit from it. The Government judged it essential to promote culture even if that was difficult because of the economic situation. In 1999 laws on theatres and on protection of the cultural heritage in Georgia had been approved. A draft law on culture and museums was being prepared.

50. Mr. JIBUTI (Georgia) said that higher private educational establishments were more and more commonly providing quality education, often in foreign languages. Some of them had found partners in the West.

51. As far as scientific research policy was concerned, the law on science provided that scientific establishments should be maintained, but their reform was not yet complete. Some of them were competitive, for example in the area of space technology where collaboration with the Russian Federation and the United States had been established. Applied research received more funding than basic research.

52. The Government had done its best to increase spending on culture in the budget for 2000, but that effort was still insufficient. The authorities were implementing a programme to safeguard the cultural heritage, which benefited from financial assistance from the World Bank. In that area assistance was also received from UNESCO and other international organizations.

53. Mr. KAVADZE (Georgia) added that a group of scientists was currently carrying out nuclear research in cooperation with a Russian organization and with CERN. Georgian physicists were also working in France and the United States. Thanks to new technologies, particularly the Internet, Georgian researchers could have contact both with their counterparts in the major nations and with their compatriots working abroad.

54. Ms. BERIDZE (Georgia) concluded by assuring the members of the Committee that their recommendations would be taken into account and would be transmitted to the new Government.

55. The CHAIRPERSON thanked the Georgian delegation for its participation. She asked the State party to respond in its next periodic report to questions left pending and to indicate whether the concerns, recommendations and suggestions to be formulated in the Committee's concluding observations had been taken into account and with what results.

The meeting rose at 12.50 p.m.